

# FAX TRANSMISSION

RECEIVED  
CENTRAL FAX CENTER

OCT 22 2004

DATE: October 22, 2004

PTO IDENTIFIER: Application Number 10/781,141-Conf. #3364  
Patent Number

Inventor: Carl W. Hastings et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: MARSHALL, GERSTEIN & BORUN LLP

Jeremy R. Kriegel

PHONE: (312) 474-6300

Attorney Dkt. #: 30105/32001A

PAGES (Including Cover Sheet): 9

CONTENTS: Second Preliminary Amendment (3 pages)  
Transmittal Letter (1 page)  
Application Data Sheet (3 pages) and  
Certificate of Transmission under 37 CFR 1.8 (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (312) 474-6300 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**MARSHALL, GERSTEIN & BORUN LLP**  
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357  
Telephone: (312) 474-6300 Facsimile: (312) 474-0448

## Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on October 22, 2004  
Date

RECEIVED  
CENTRAL FAX CENTER  
OCT 22 2004

  
Signature

Jeremy R. Kriegel  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Second Preliminary Amendment (3 pages)  
Transmittal Letter (1 page)  
Application Data Sheet (3 pages)  
Certificate of Transmission under 37 CFR 1.8 (1 page)

Attorney Docket No.: 30105/32001A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Hastings, et al.

APPLICATION NO.: 10/781,141

FILED: February 18, 2004

FOR: PERFORMANCE-ENHANCING  
DIETARY SUPPLEMENT

ART UNIT: 1614

CONFIRMATION NO.: 3364

Certificate of Transmission

I hereby certify that this paper is being facsimile  
transmitted to the United States Postal Service  
on October 22, 2004.

  
Jeremy R. Kriegel, Reg. No. 39,257

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER  
OCT 22 2004

Dear Sir:

Amendments to the Specification begin on page 2 of this Second Preliminary

Amendment.

The Remarks section begins on page 3 of this Second Preliminary Amendment.

I hereby certify that this correspondence is being sent via facsimile to (703) 872-8308.

Dated: October 21, 2004

Signature:

  
(Jeremy R. Kriegel)

Docket No.: 30105/32001A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Carl W. Hastings et al.

Confirmation No.: 3364

Application No.: 10/781,141

Art Unit: 1614

Filed: February 18, 2004

Examiner: Not Yet Assigned

For: PERFORMANCE-ENHANCING DIETARY  
SUPPLEMENT

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submits herewith an Application Data Sheet, and requests the ADS to become part of the record. Although captioned a Supplemental Application Data Sheet, this is the first time that an ADS has been submitted in the present application.

Dated: October 22, 2004

Respectfully submitted,

By   
Jeremy R. Kriegel

Registration No.: 39,257  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant